

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

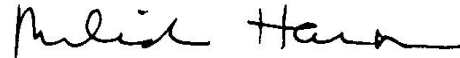
UNITED STATES OF AMERICA,	}	
<i>Plaintiff-Respondent</i>	}	
	}	
v.	}	CRIMINAL ACTION NO. H-96-1
	}	CIVIL ACTION NO. H-03-468
DAVID A. SHAND,	}	
<i>Defendant-Petitioner</i>	}	

MEMORANDUM AND ORDER

Presently before the Court are Petitioner David A. Shand's Motion to Vacate, Set Aside or Correct Sentence filed pursuant to 28 U.S.C. § 2255 (Doc. 35), the United States's Answer to Petitioner's Motion for Relief under Rule 8(A), 28 U.S.C. Foll. § 2255, and Government's Motion to Dismiss (Doc. 38), Petitioner's Memorandum of Law in Support of His U.S.C. 2255 Motion and His Response to the Government's Answer to Dismiss (Doc. 42), Petitioner's Amended § 2255 Motion to Vacate, Set Aside or Correct Sentence (Doc. 43), Petitioner's Memorandum of Law to Amend His 28 U.S.C. § 2255 Motion (Doc. 50), the United States's Answer to Petitioner's Memorandum of Law to Amend His 28 U.S.C. § 2255, and Government's Motion to Dismiss (Doc. 51), and the Magistrate Judge's Memorandum and Recommendation Denying Movant's § 2255 Motion to Vacate, Set Aside, or Correct Sentence and Amended § 2255 Motion to Vacate, Set Aside, or Correct Sentence and Granting the United States's Motions to Dismiss. (Doc. 52). After carefully considering the record and the applicable law, the Court **ORDERS** that Petitioner's § 2255 Motion to Vacate, Set Aside, or Correct Sentence (Doc. 35) and his Amended § 2255 Motion to Vacate, Set Aside, or Correct Sentence (Doc.43) be **DENIED** and the Government's Motions to Dismiss (Doc. 38, Doc. 51) be **GRANTED**. Accordingly, this action is **DISMISSED WITH**

PREJUDICE. The Court adopts the Magistrate Judge's Memorandum and Recommendation (Doc. 52) in full.

SIGNED at Houston, Texas, this 15th day of March, 2006.

A handwritten signature in black ink, appearing to read "Melinda Harmon". The signature is fluid and cursive, with the first name "Melinda" written in a larger, more prominent script than the last name "Harmon".

MELINDA HARMON
UNITED STATES DISTRICT JUDGE